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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,915	08/31/2001	Andreas Westendorf	10191/2007	3903

7590 10/03/2005
KENYON & KENYON
One Broadway
New York, NY 10004

EXAMINER

JACKSON, JENISE E

ART UNIT PAPER NUMBER

2131

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/944,915

Applicant(s)

WESTENDORF ET AL.

Examiner

Jenise E. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09272005</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Hughes(0602920).

3. As per claim 1, Hughes discloses a data transmission method, first data being transmitted to a first processor(see col. 3, lines 10-41), wherein second data based on the first data is transmitted to a second processor, the second data is checked in the second processor, and a check result is transmitted to the first processor(see col. 3, lines 10-57).

4. As per claim 2, Hughes discloses wherein the first data is transmitted to the first processor from a data medium drive or a third processor(col. 3, lines 42-58, col. 4, lines 1-17).

5. As per claim 3, Hughes discloses wherein the identity of the third processor and/or the data carrier is checked in the second processor(see col. 3, lines 42-58, col. 4, lines 1-17, col. 5, lines 16-54).

6. As per claim 4, Hughes discloses wherein an error-free transmission of data is checked in each the first processor and/or in the second processor(see col. 6, lines 9-37).

7. As per claim 5, Hughes discloses, wherein the first and/or second data is transmitted in encoded form(see col. 3, lines 42-58, col. 4, lines 18-36).

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8. As per claim 6, Hughes discloses wherein the data is encoded with a private key of the respective processor(see col. 5, lines 17-44).

9. As per claim 7, Hughes discloses wherein the first processor is connected to the second processor(see col. 4, lines 43-58, col. 5, lines 17-42).

10. As per claim 8, Hughes discloses wherein a database is accessed in the second processor for checking the second data(see col. 5, lines 17-42).

11. As per claim 9, Hughes discloses wherein a payment process is initiated by the second processor as a function of the second data(see col. 5, lines 55-58, col. 6, lines 1-8).

12. As per claim 10, Hughes discloses wherein use of the first data in the first processor is allowed by the second processor(see col. 3, lines 42-58, col. 4, lines 18-36).

13. As per claim 11, Hughes discloses wherein use of the first data by the first processor is stored by the second processor(see col. 5, lines 17-42).

14. As per claim 12, Hughes discloses wherein a check is restarted in the first processor if the check has not been run through completely(see col. 3, lines 10-41).

15. As per claim 13, Hughes discloses wherein a program for checking the first data(see col. 5, lines 17-42).

16. As per claim 14, Hughes discloses wherein the first data in the first processor is deleted if no user license for the first data is transmitted by the third processor(see col. 3, lines 30-58, col. 4, lines 43-58, col. 5, lines 17-42).

17. As per claim 15, Hughes discloses wherein a warning is delivered if the first data is not released(see col. 5, lines 17-42).

18. As per claim 16, Hughes discloses wherein a first check code is determined from

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the first data, and the second data is formed at least in part from the first check code(see col. 3, lines 30-58).

19. As per claim 17, Hughes discloses wherein a second check code is determined from data of the first processor, and the second data is formed at least in part from the second check code(see col. 5, lines 17-42).

20. As per claim 18, Hughes discloses a device for carrying out the method according to one of the preceding claims(see col. 1, lines 44-56, col. 2, lines 52-56).

21. As per claim 19, Hughes discloses a controller in a motor vehicle for carrying out the method according to one of claims 1 through 17, wherein the first processor (3) is positioned in the controller (1)(see col. 3, lines 30-41, col. 5, lines 29-54).

22. As per claim 20, Hughes discloses a check processor for carrying out the method according to one of claims 1 through 17, wherein the second processor (15, 27) is positioned in the check processor (14, 26)(see col. 3, lines 42-58, col. 4, lines 1-17, col. 6, lines 17-37).

23. As per claim 21, Hughes discloses a central service office for carrying out the method according to one of claims 1 through 17, wherein the third processor (22) is positioned in the central service office (21)(see col. 2, lines 51-58, col. 3, lines 1-9, 42-58).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E. Jackson whose telephone number is (571) 272-3791. The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



September 27, 2005


Primary Examiner
AU 2131
9/27/05